

02-09-04



3738



EXPRESS MAIL LABEL NO.: EV 333 488 139 US

**DT09 Rec'd PCH TO U 6 FEB 2004**  
Attorney Docket No. 29912-702.201

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application )  
Inventor(s): Clifton A. Alferness et al. )  
Application No.: 09/855,945 )  
Filed: May 14, 2001 )  
Title: Mitral Valve Therapy Device, System and )  
Method )

PATENT APPLICATION  
Art Unit: 3738  
Examiner: U. Chattopadhyay

**RECEIVED**

**MAR 22 2004**

TECHNOLOGY CENTER R3700

Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97**

Sir:

Listed below or on an attached Form PTO-1449 is information known to applicant(s). A copy of each listed publication and U.S. and foreign patent, except for pending U.S. applications, is being submitted herewith, along with a concise explanation of information in a foreign language, if any, pursuant to 37 C.F.R. §1.97-1.98.

Applicants respectfully request that the listed information be considered by the Examiner and be made of record in the above-identified application. If form PTO-1449 is enclosed, the Examiner is requested to initial and return it in accordance with MPEP §609.

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement is not intended to represent that a search has been made or that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56.

☒ This statement qualifies under 37 C.F.R. §1.97, subsection (b) because (check all that apply):

☐ (1) It is being filed within 3 months of the application filing date and is other than a continued prosecution application under § 1.53(d)

-- OR --

☐ (2) It is being filed within 3 months of entry of a national stage

-- OR --

☐ (3) It is being filed before the mail date of the first Office Action on the merits

-- OR --

☒ (4) It is being filed before the mailing of a first Office Action after the filing of a request for continued examination under § 1.114.

☐ 37 C.F.R. §1.97(c). If this statement is being filed after the latest of: (1) three months beyond the filing date of a national application; (2) three months beyond the date of entry of the national stage as set forth in §1.491 in an international application; or (3) the mailing date of a first Office action on the merits, but before the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, then:

☐ a certification as specified in §1.97(e) is provided below; or

☐ a fee of \$180.00 as set forth in §1.17(p) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☐ 37 C.F.R. §1.97(d). If this statement is being filed after the mailing date of the earlier of a final office action under §1.113 or a notice of allowance under §1.311, but before payment of the issue fee, then:

A. a certification as specified in §1.97(e) is completed below; and

B. a petition under 37 C.F.R. §1.97(d) requesting consideration of this statement is submitted herewith; **and**

C. a fee of \$130.00 as set forth in §1.17(i)(1) is authorized below, enclosed, or included with the payment of other papers filed together with this statement.

☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

☐ In view of the voluminous nature of references, and the likelihood that these references are available to the Examiner in the file history of the parent application (Serial No. ), copies are not enclosed herewith.


☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

- ☐ Copies of only foreign patent documents and non-patent literature are enclosed in accordance with 37 CFR 1.98 (a)(2). (The U.S. patents and each U.S. patent application publication listed on the attached Form PTO-1449 are not enclosed because this U.S. patent application was filed after June 30, 2003 or this international application has entered the national stage under 35 USC §371 after June 30, 2003 (see USPTO waiver of requirement under 37 CFR 1.98 (a)(2)(i)).
- ☒ There are no listed references which are not in the English language.
- ☐ The relevance of those listed references which are not in the English language is as follows:
- ☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.
- ☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.
- ☒ *Fee Authorization.* The Commissioner is hereby authorized to charge the above-referenced fees of \$0.00 and charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 23-2415 (Docket No.29912-702.201).

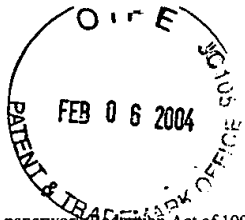
Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

Dated: February 6, 2004

By   
James R. Shay, Reg. No. 32,062

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PTO/SB/08A (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. Department of Commerce

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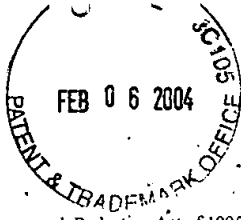
Substitute for form 1449A/PTO <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> <i>(Use as many sheets as necessary)</i>				<b>Complete if Known</b>		
				Application No.		09/855,945
				Filing Date		May 14, 2001
				First Named Inventor		Clifton A. Alferness et al.
				Art Unit		3738
Examiner Name		U. Chattopadhyay				
Sheet	1	Of	4	Attorney Docket No.		29912-702.201

U.S. PATENT DOCUMENTS					
Examiner's Initials	Cite No. <sup>1</sup>	Document No.	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US-2001/0049558-A1	12/06/2001	Liddicoat et al.	
		US-2002/0035361-A1	03/21/2002	Houser et al.	
		US-2002/0042621-A1	04/11/2002	Liddicoat et al.	
		US-2002/0042651-A1	04/11/2002	Liddicoat et al.	
		US-2002/0049468-A1	04/25/2002	Streeter et al.	
		US-2002/0055774-A1	05/09/2002	Liddicoat	
		US-2002/0065554-A1	05/30/2002	Streeter	
		US-2002/0095167-A1	07/18/2002	Liddicoat et al.	
		US-2002/0103533-A1	08/01/2002	Langberg et al.	
		US-2002/0138044-A1	09/26/2002	Streeter et al.	
		US-2003/0018358-A1	01/23/2003	Saadat	
		US-2003/0069636-A1	04/10/2003	Solem et al.	

FOREIGN PATENT DOCUMENTS						
Examiner's Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 00/44313-A1	08/03/2000	Viacor Inc.		
		WO 01/00111-A1	01/04/2001	J. Solem et al.		
		WO 01/50985-A1	07/19/2001	Viacor, Inc.		
		WO 02/00099-A2	01/03/2002	Viacor, Inc.		
		WO 02/01999-A2	01/10/2002	Viacor, Inc.		
		WO 02/05888-A1	01/24/2002	Viacor, Inc.		
		WO 02/19951-A1	03/14/2002	Viacor, Inc.		
		WO 02/34118-A2	05/02/2002	Viacor, Inc.		
EXAMINER SIGNATURE				DATE CONSIDERED		

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional) <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.



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		US-4,164,046	08/14/1979	Cooley	
		US-4,485,816	12/04/1984	Krumme	
		US-4,550,870	11/05/1985	Krumme et al.	
		US-5,061,277	10/29/1991	Carpentier et al.	
		US-5,250,071	10/05/1993	Palermo	
		US-5,261,916	11/16/1993	Engelson	
		US-5,265,601	11/30/1993	Mehra	
		US-5,514,161	05/07/1996	Limousin	
		US-5,554,177	09/10/1996	Kieval et al.	
		US-5,562,698	10/08/1996	Parker	
		US-5,584,867	12/17/1996	Limousin	
		US-5,601,600	02/11/1997	Ton	
		US-5,733,325	03/31/1998	Robinson et al.	

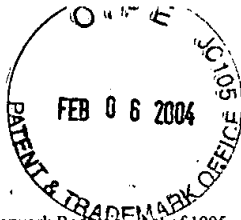
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		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> (if known)				
		WO 02/47539-A2	06/20/2002	Viacor, Inc.		
		WO 02/062263-A2	08/15/2002	Viacor, Inc.		
		WO 02/062270-A1	08/15/2002	J. Solem et al.		
		WO 02/062408-A2	08/15/2002	Viacor, Inc.		
		WO 02/076284-A2	10/03/2002	Viacor, Inc.		
		WO 02/078576-A2	10/10/2002	Viacor, Inc.		
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		US-5,824,071	10/20/1998	Nelson et al.	
		US-5,891,193	04/06/1999	Robinson et al.	
		US-5,895,391	04/20/1999	Farnholtz	
		US-5,908,404	06/01/1999	Elliott	
		US-5,935,161	08/10/1999	Robinson et al.	
		US-5,961,545	10/05/1999	Lentz et al.	
		US-5,984,944	11/16/1999	Forber	
		US-6,027,517	02/22/2000	Crocker et al.	
		US-6,077,295	06/20/2000	Limon et al.	
		US-6,077,297	06/20/2000	Robinson et al.	
		US-6,099,549	08/08/2000	Bosma et al.	
		US-6,099,552	08/08/2000	Adams	
		US-6,129,755	10/10/2000	Mathis et al.	

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		Number-Kind Code <sup>2</sup> (if known)			
		US-6,190,406-B1	02/20/2001	Duerig et al.	
		US-6,275,730-B1	08/14/2001	KenKnight et al.	
		US-6,342,067-B1	01/29/2002	Mathis et al.	
		US-6,352,553-B1	03/05/2002	van der Burg et al.	
		US-6,352,561-B1	03/05/2002	Leopold et al.	
		US-6,395,017-B1	05/28/2002	Dwyer et al.	
		US-6,419,696-B1	07/16/2002	Ortiz et al.	
		US-6,442,427-B1	08/27/2002	Boute et al.	
		US-6,503,271-B2	01/07/2003	Duerig et al.	
		US-6,537,314-B2	03/25/2003	Langberg et al.	
		US-6,569,198-B1	05/27/2003	Wilson et al.	
		US-6,589,208-B2	07/08/2003	Ewers et al.	
		US-6,602,288-B1	08/05/2003	Cosgrove et al.	
		US-6,602,289-B1	08/05/2003	Colvin et al.	
		US-6,623,521-B2	09/23/2003	Steinke et al.	
		US-6,626,899-B2	09/30/2003	Houser et al.	

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